

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN
GREEN BAY DIVISION**

**Appvion, Inc. Retirement Savings and
Employee Stock Ownership Plan,**

Plaintiff,

v.

Case No. 18cv1861

Buth *et al.*,

Defendants.

**JOINT STIPULATION FOR MOTION TO EXTEND THE TIME TO FILE
RESPONSIVE PLEADINGS**

Plaintiff Appvion, Inc., Retirement Savings and Employee Stock Ownership Plan, by and through Grant Lyon in his capacity as the ESOP Administrative Committee of Appvion, Inc., by counsel, and Defendants Doug Buth, Gayle Buth, Mark R. Richards, Jeanne Richards, Dale Parker, Deborah Parker, Susan Scherbel, Thomas Flynn, Ronald Pace, Teresa Pace, Stephen Carter, Lisa L. Carter, Kathi Seifert, Stephen Seifert, Andrew Reardon, Michele Reardon, Terry Murphy, Mary E. Murphy, Mark Suwyn, Patricia Suwyn, Paul Karch, Anne Karch, Kevin Gilligan, Angela Gilligan, Thomas Ferree, Carol J. Ferree, Rick Fantini, Debra L. Fantini, Angela Tyczkowski, Mark Tyczkowski, Kerry Arent, Timothy Arent, Kent Willetts and Andrea Willetts, by their counsel Jenner & Block by Craig C. Martin, hereby stipulate and agree as follows :Plaintiff Appvion, Inc., Retirement Savings and Employee Stock Ownership Plan, by and through Grant Lyon in his capacity as the ESOP Administrative Committee of Appvion, Inc., filed the Complaint in this matter on November 26, 2018.

1. There are over fifty defendants named in the Complaint. Summonses for each of the defendants were issued November 27 and 28, 2018. Summonses were served on defendants

beginning November 28, 2018. Pursuant to Rule 12(a)(1)(A)(i) and (b), Fed. R. Civ. P., the time for serving a responsive pleading or motion is 21 days after being served with the summons and complaint.

2. Defendants Doug Buth, Mark R. Richards, Dale Parker, Susan Scherbel, Ronald Pace, Steven Carter, Kathi Seifert, Andrew Reardon, Terry Murphy, Mark Suwyn, Paul Karch, and Kevin Gilligan are named as the Director Defendants in the Complaint; Buth, Karch, Parker, and Richards, with Defendants Thomas Ferree, Rick Fantini, Angela Tyczkowski, Kerry Arent, and Kent Willetts were named as “Prior Committee Defendants” in the Complaint as the result of their status as officers of Appvion (with the Director Defendants, “Officer and Director Defendants”). The spouses of the Officer and Director Defendants, as applicable, are also named as Defendants. All of the Officer and Director Defendants and their Defendant spouses in this action were served between the dates of November 28, 2018, and December 5, 2018, with the exception of Defendant Mark R. Richards, whom Plaintiffs have diligently attempted to serve.

3. Jenner & Block has been retained to represent the Officer and Director Defendants and their respective Defendant spouses. On December 13, 2018, Jenner & Block contacted Plaintiffs and requested an extension of the time to file a responsive pleading in this matter to January 28, 2019. Counsel also indicated that it was authorized to accept service on behalf of Defendant Mark R. Richards.

4. Given the complex nature of this litigation as well as the number of defendants involved, an extension of time is in the interest of efficiency. Potential issues related to service are resolved. In addition, by setting one response date upon which responsive pleadings for a large number of defendants will be filed streamlines the litigation schedule.

5. An extension of the time to answer, move, or otherwise respond to the Complaint is not unreasonable and the January 28, 2019, response date is consistent with the 60-day time a

defendant would have file a responsive pleading or other paper upon execution of a waiver of service as provided in Rule 4(d)(3), Fed. R. Civ. P.

For the foregoing reasons, Plaintiff and the Officer and Director Defendants request that the Court enter an Order as follows:

a. Extending the time for Officer & Director Defendants and their spouses listed as parties to this Stipulation and Order to answer, move, or otherwise respond to the Complaint to January 28, 2018; and

b. Ordering that each of the Defendants represented by the below-signatory counsel for defendants has by this Stipulation and Order waived any claim relating to service of the summonses herein and waived any defects in such service for all purposes in this litigation.

Dated this 19th day of December, 2018.

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